



# National Labor Relations Board

# Weekly Summary

# of NLRB Cases

Office of Public Affairs

Washington, DC 20570

Tel. (202) 273-1991

Apr. 26, 2010

W-3257

C A S E S S U M M A R I Z E D  
VISIT [WWW.NLRB.GOV](http://WWW.NLRB.GOV) FOR FULL TEXT

<a href="#">International Union of Operating Engineers, Local 513</a>	Lesterville, MO	2
---	-----------------	---

## OTHER CONTENTS

<a href="#">Unpublished Board Decisions and Orders in Representation Cases</a>	2
<ul style="list-style-type: none"><li>• Contested Report of Hearing Officer</li><li>• Requests for Review of Regional Directors' Decisions and Directions of Elections and Decisions and Orders</li><li>• Miscellaneous Board Decision and Order</li></ul>	
<a href="#">Decisions of Administrative Law Judges</a>	3

*The Weekly Summary of NLRB Cases is prepared by the NLRB Office of Public Affairs. It is in no way intended to substitute for the professional services of legal counsel, or for the authoritative judgments of the Board. The case summaries constitute no part of the opinions of the Board. The Office of Public Affairs has prepared them for the convenience of subscribers.*

*If you desire the full text of decisions summarized in the Weekly Summary, you can access them on the NLRB's Web site ([www.nlrb.gov](http://www.nlrb.gov)). Persons who do not have an Internet*

*connection can request a limited number of copies of decisions by writing The Office of Public Affairs, 1099 14<sup>th</sup> Street, NW, Suite 11550, Washington, DC 20570 or fax your request to 202/273-1789.*

Apr. 19, 2010: *International Union of Operating Engineers Local 513, AFL-CIO (Ozark Constructors, LLC)* (14-CB-10424, 355 NLRB No. 25) Lesterville, MO [\[HTML\]](#) [\[PDF\]](#)  
 The Board found that the union violated the Act by fining one of its members \$2,500 for reporting another member's safety violation to management as required by the employer's safety rules and the collective-bargaining agreement incorporating them. The Board ordered the union to fully rescind the fine and refrain from fining other members for reporting safety violations as contractually required. (The Board rejected as untimely, and therefore waived, the union's argument that its fined member went beyond his contractual obligation by reporting both the safety violation and the person responsible for it.) Administrative Law Judge Michael A. Rosas issued his decision Sept. 4, 2009. The charge was filed by Ozark Constructors, LLC.  
 Chairman Liebman and Members Schaumber and Pearce participated.

\*\*\*

### **UNPUBLISHED BOARD DECISIONS AND ORDERS IN REPRESENTATION CASES**

*(In the following case, the Board considered  
exceptions to Report of Hearing Officer)*

### **DECISION AND CERTIFICATION OF REPRESENTATIVE**

*Allied Barton Security Services*, Philadelphia, PA, 4-RC-21590, Apr. 21, 2010  
 (Chairman Liebman and Members Schaumber and Pearce participated).

\*\*\*

*(In the following cases, the Board denied requests for review  
of Decisions and Directions of Elections (D&DE) and  
Decisions and Orders (D&O) of Regional Directors)*

*Sutter Solano Medical Center*, Vallejo, CA, 20-RC-18215, Apr. 20, 2010  
 (Chairman Liebman and Members Schaumber and Pearce participated).

*PRG Lighting California, Inc.*, Sun Valley, CA, 31-RC-8781, 8782, Apr. 20, 2010  
 (Chairman Liebman and Members Schaumber and Becker participated).

*XPEDX, A Division of International Paper*, Clifton, NJ, 22-UC-339, 22-RC-13066,  
 Apr. 21, 2010 (Chairman Liebman and Members Schaumber and Becker participated).

\*\*\*

*(Miscellaneous Board Decision and Order)*

**ORDER [affirming Regional Director's decision to hold petition in abeyance pending resolution of outstanding ULP charge]**

*Fresenius USA Manufacturing, Inc.*, Chester, NY, 2-RD-1584, Apr. 21, 2010  
(Chairman Liebman and Members Schaumber and Becker participated).

\*\*\*

**DECISIONS OF ADMINISTRATIVE LAW JUDGES**

*CC-1 Limited Partnership d/b/a Coca Cola Puerto Rico Bottlers* (Individuals) Cayey, PR, Apr. 16, 2010, 24-CA-11018 et al., JD-23-10, Administrative Law Judge Bruce D. Rosenstein. [\[HTML\]](#) [\[PDF\]](#)

*Kingsbury, Inc.* (Kingsbury Shop Employees' Assoc. a/k/a The Shop Committee) Philadelphia, PA, Apr. 20, 2010, 4-CA-36746 et al., JD-27-10, Administrative Law Judge David I. Goldman. [\[HTML\]](#) [\[PDF\]](#)

*Atlantis Health Care Group (P.R.) Inc.* (Union General De Trabajadores De Puerto Rico, a/w Service Employees International Union (SEIU), Local 1199, AFL-CIO) Ponce, Aguadilla, and Fajardo, PR, Apr. 21, 2010, 24-CA-11300, JD(ATL)-10-10, Administration Law Judge William N. Cates. [\[HTML\]](#) [\[PDF\]](#)

*Security Walls, LLC* (an Individual) Carlsbad, NM, Apr. 21, 2010, 28-CA-22701, JD-26-10, Administrative Law Judge Jeffrey D. Wedekind. [\[HTML\]](#) [\[PDF\]](#)

*Teamsters "General" Local 200, An affiliate of the International Brotherhood of Teamsters* (an Individual) Milwaukee, WI, Apr. 21, 2010, 30-CB-5303, JD-25-10, Administrative Law Judge Earl E. Shamwell Jr. [\[HTML\]](#) [\[PDF\]](#)

*Metro One Loss Prevention Services Group (Guard Division NY) Inc.* (Allied International Union) New York, NY, Apr. 21, 2010, 2-CA-39315, JD(NY)-12-10, Administrative Law Judge Steven Davis. [\[HTML\]](#) [\[PDF\]](#)

*Southside Medical Center, Inc.* (American Federation of State, County and Municipal Employees, Local 1644) Atlanta, GA, Apr. 22, 2010, 10-CA-37919, JD(ATL)-09-10, Administrative Law Judge Keltner W. Locke. [\[HTML\]](#) [\[PDF\]](#)

\*\*\*